

REMARKS

Applicants acknowledge receipt of the Final Office Action mailed August 29, 2008.

In the Final Office Action, the Examiner rejected claims 31-37, 39-48, 50, 51, 53-57, 59-62, and 64-66 under 35 U.S.C. § 103(a) as being unpatentable over *Pneumatiques* (GB Patent No. 1,091,507) in view of *Miyazaki et al.* (U.S. Patent Pub. No. 2001/0037847); rejected claims 31-35, 38-46, 49-51, 53, 54, 58, 59, and 63-66 under 35 U.S.C. § 103(a) as being unpatentable over *Pneumatiques* in view of *Ikehara* (U.S. Patent No. 5,584,169) and *Miyazaki*; and rejected claims 31, 41, and 52 under 35 U.S.C. § 103(a) as being unpatentable over *Io* (Japanese Patent Pub. No. 06-024216) in view of *Miyazaki*.

In this Amendment, Applicants propose to amend claims 31 and 66. Upon entry of this Amendment, claims 31-66 will be pending. Of these claims, claims 31 and 66 are independent.

The originally-filed specification, claims, abstract, and drawings fully support the amendments to claims 31 and 66. No new matter has been introduced.

Based on the foregoing amendments, Applicants traverse the rejections above and respectfully request reconsideration for at least the reasons that follow.

I. 35 U.S.C. § 103(a) REJECTIONS

Claims 31-37, 39-48, 50, 51, 53-57, 59-62, and 64-66 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Pneumatiques* in view of *Miyazaki*. Applicants respectfully disagree with the Examiner's arguments and conclusions and

submit that amended independent claims 31 and 66 patentably distinguish over *Pneumatiques* and *Miyazaki* at least for the reasons described below.

The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. See M.P.E.P. § 2142, 8th Ed., Rev. 6 (Sept. 2007). Such an analysis should be made explicit and cannot be premised upon mere conclusory statements. See *id.* “A conclusion of obviousness requires that the reference(s) relied upon be enabling in that it put the public in possession of the claimed invention.” M.P.E.P. § 2145. Furthermore, “[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art” at the time the invention was made. M.P.E.P. § 2143.01(III), internal citation omitted. Moreover, “[i]n determining the differences between the prior art and the claims, the question under 35 U.S.C. § 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious.” M.P.E.P. § 2141.02(I), internal citations omitted (emphasis in original).

“[T]he framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). . . . The factual inquiries . . . [include determining the scope and content of the prior art and] . . . [a]scertaining the differences between the claimed invention and the prior art.” M.P.E.P. § 2141(II). “Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art.” M.P.E.P. § 2141(III).

As proposed to be amended, independent claim 31, and similarly independent claim 66, recites a tyre comprising a pair of axially-spaced-apart annular reinforcing elements, a pair of bead fillers, and at least one flipper, wherein “the at least one flipper completely envelops an associated annular reinforcing element and bead filler.”

Pneumatiques appears to disclose a pneumatic tire including a bead with a single inextensible reinforcing bead wire 10 surmounted by a rubber filler 11. The assembly is partially enclosed by a flipper 12 constituted by parallel cords, cables or wires (emphasis added). (*Pneumatiques*, p. 2, ll. 34-39).

As admitted by the Examiner, “*Pneumatiques* fails to expressly suggest a cord having at least one preformed element...” (*Office Action*, p. 2, paragraph 2).

Pneumatiques also fails to disclose or suggest that “the at least one flipper completely envelops an associated annular reinforcing element and bead filler,” as recited in claims 31 and 66 (emphasis added). As illustrated in Fig. 2 of *Pneumatiques*, edges 12₁ and 12₂ of the flipper 12 do not completely envelope the filler 11.

In order to cure the deficiencies of *Pneumatiques*, the Examiner relies on *Miyazaki* and alleges “such a metallic cord [, i.e., a cord having at least one preformed element] is recognized as providing improved rubber penetration without a corresponding increase in diameter...” *Id.* Such teaching, even if present in *Miyazaki*, which Applicants do not necessarily concede, fails to disclose or suggest that “the at least one flipper completely envelops an associated annular reinforcing element and bead filler,” as recited in claims 31 and 66 (emphasis added).

As disclosed in Applicants' specification at page 17, lines 14-17, "the flipper 17 is wound around the bead core 14 and the bead filler 16 and completely envelops the bead core/filler assembly."

As explained above, the elements of independent claims 31 and 66 are neither taught nor suggested by the cited references. Consequently, the Final Office Action has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and the claimed invention.

Accordingly, no reason has been clearly articulated as to why the claims would have been obvious to one of ordinary skill in view of the prior art. Therefore, a *prima facie* case of obviousness has not been established for independent claims 31 and 66, and claims 32-37, 39-48, 50, 51, 53-57, 59-62, 64, and 65, which depend from claim 31. Claims 31-37, 39-48, 50, 51, 53-57, 59-62, and 64-66 are therefore patentable over *Pneumatiques* in view of *Miyazaki*. Applicants request that the rejection of claims 31-37, 39-48, 50, 51, 53-57, 59-62, and 64-66 under 35 U.S.C. § 103(a) be withdrawn.

Claims 31-35, 38-46, 49-51, 53, 54, 58, 59, and 63-66 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Pneumatiques* in view of *Ikehara* and *Miyazaki*. Applicants respectfully disagree with the Examiner's arguments and conclusions and submit that amended independent claims 31 and 66 patentably distinguish over *Pneumatiques*, *Ikehara*, and *Miyazaki* at least for the reasons described below. The deficiencies of *Pneumatiques* and *Miyazaki* are discussed above.

With respect to *Ikehara*, the Examiner asserts that "[w]hile *Pneumatiques* fails to expressly suggest a cord having at least one preformed element, such a metallic cord is

recognized as providing improved corrosion resistance, as shown for example by Ikehara (Column 1, Lines 5-15). It is further noted that a fair reading of Ikehara suggests the general use of such a cord in tire components..." (*Office Action*, p. 6, paragraph 3). Such teaching, even if present in *Ikehara*, which Applicants do not necessarily concede, fails disclose or suggest that "the at least one flipper completely envelops an associated annular reinforcing element and bead filler," as recited in claims 31 and 66 (emphasis added).

Accordingly, the elements of independent claims 31 and 66 are neither taught nor suggested by the cited references. Consequently, the Final Office Action has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and the claimed invention. Accordingly, no reason has been clearly articulated as to why the claims would have been obvious to one of ordinary skill in view of the prior art. Therefore, a *prima facie* case of obviousness has not been established for independent claims 31 and 66, and claims 32-35, 38-46, 49-51, 53, 54, 58, 59, and 63-65, which depend from claim 31. Claims 31-35, 38-46, 49-51, 53, 54, 58, 59, and 63-66 are therefore patentable over *Pneumatiques* in view of *Ikehara* and *Miyazaki*. Applicants request that the rejection of claims 31-35, 38-46, 49-51, 53, 54, 58, 59, and 63-66 under 35 U.S.C. § 103(a) be withdrawn.

Claims 31, 41, and 52 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Io* in view of *Miyazaki*. Applicants respectfully disagree with the

Examiner's arguments and conclusions and submit that amended independent claim 31 patentably distinguishes over *Io* and *Miyazaki* at least for the reasons described below.

As proposed to be amended, independent claim 31, and similarly independent claim 66, recites a tyre comprising a pair of axially-spaced-apart annular reinforcing elements, a pair of bead fillers, and at least one flipper, wherein "the at least one flipper completely envelops an associated annular reinforcing element and bead filler."

Io appears to disclose a heavy duty radial tire including "a chafer 3 and a flipper that is spaced from a carcass structure by said chafer..." (*Office Action*, p. 8, paragraph 4).

As admitted by the Examiner, "*Io* fails to expressly suggest a cord having at least one preformed element..." *Id.* *Io* also fails to disclose or suggest that "the at least one flipper completely envelops an associated annular reinforcing element and bead filler," as recited in claims 31 and 66 (emphasis added). As illustrated in Fig. 1 of *Io*, the edges of the alleged "flipper" do not completely envelope a bead filler.

In order to cure the deficiencies of *Io*, the Examiner relies on *Miyazaki* and alleges "such a metallic cord [, i.e., a cord having at least one preformed element] is recognized as providing improved rubber penetration without a corresponding increase in diameter..." *Id.* Such teaching, even if present in *Miyazaki*, which Applicants do not necessarily concede, fails to disclose or suggest that "the at least one flipper completely envelops an associated annular reinforcing element and bead filler," as recited in claims 31 and 66 (emphasis added).

As explained above, the elements of independent claim 31 are neither taught nor suggested by the cited references. Consequently, the Final Office Action has neither

properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and the claimed invention. Accordingly, no reason has been clearly articulated as to why the claims would have been obvious to one of ordinary skill in view of the prior art. Therefore, a *prima facie* case of obviousness has not been established for independent claim 31, and claims 41 and 52, which depend from claim 31. Claims 31, 41, and 52 are therefore patentable over *Io* in view of *Miyazaki*. Applicants request that the rejection of claims 31, 41, and 52 under 35 U.S.C. § 103(a) be withdrawn.

II. CONCLUSION

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 31-66 in condition for allowance. Applicants submit that the proposed amendments of claims 31 and 66 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Furthermore, Applicants respectfully point out that the final action by the Examiner presented some new arguments as to the application of the art against Applicants' invention. It is respectfully submitted that the entering of the Amendment would allow the Applicants to reply to the final rejections and place the application in condition for allowance.

Finally, Applicants submit that the entry of the Amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

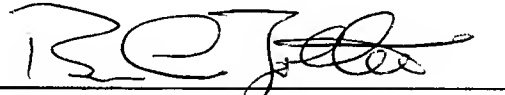
Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: January 22, 2009

By: _____


Bruce C. Zotter
Reg. No. 27,680